

BOA SIGN REVIEW COVERSHEET

CASE: C16-2021-0003

BOA DATE: January 11th, 2021

ADDRESS: 2522 Guadalupe St

COUNCIL DISTRICT: 9

OWNER: Timothy Finley

AGENT: Richard Tuttle

ZONING: CS-CO-NP (West University NP)

LEGAL DESCRIPTION: LOT 5 OLT 50 DIVISION D

VARIANCE REQUEST: Twelve signs total 25-10-133 Section F – requesting 3 above the 2nd floor (one on the northern side, one on the southern side and one on the eastern side); 25-10-133 Section G – requesting 2 projecting signs; 25-10-133 Section H – requesting all twelve (12) signs to be illuminated

SUMMARY: signage for Moxy Hotel

ISSUES: provision not allowing for signage

| | ZONING | LAND USES |
|--------------|-------------|---|
| <i>Site</i> | CS-CO-NP | General Commercial Services-Conditional Overlay |
| <i>North</i> | CS-CO-NP | General Commercial Services-Conditional Overlay |
| <i>South</i> | CS-CO-NP | General Commercial Services-Conditional Overlay |
| <i>East</i> | CS | General Commercial Services |
| <i>West</i> | CS-MU-CO-NP | General Commercial Services-Mixed Use-Conditional Overlay |

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

CANPAC (Central Austin Neigh Plan Area Committee)

Central Austin Community Development Corporation

Central Austin Urbanists

Friends of Austin Neighborhoods

Homeless Neighborhood Association

My Guadalupe

Neighborhood Empowerment Foundation

Preservation Austin

SEL Texas

Shoal Creek Conservancy

Sierra Club, Austin Regional Group

University Area Partners

West Campus Neighborhood Association

Board of Adjustment Sign Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 2552 Guadalupe St.

Subdivision Legal Description:

Lot A, Resubdivision of Lots 8 & 9, Hitchcock Subdivision of Outlot 50, Division D

Lot(s): A Block(s): -

Outlot: 50 Division: D

Zoning District: CS-CO-NP

Sign District: University Neighborhood Overlay District

I/We Richard T. Suttle, Jr. on behalf of myself/ourselves as
authorized agent for 2552 Jack, LLC affirm that on
Month December, Day 10, Year 2020, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☒ Other: Illuminate

Type of Sign: Wall Signs, Projecting Signs

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

§ 25-10-133(H): "A sign may not be illuminated or contain electronic images or moving parts."

§ 25-10-133(F): "No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building."

§ 25-10-133(G)(1): "One projecting sign for each building façade is permitted."

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site such as dimensions, landscaping, or topography, because:

See attached.

—OR—

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:

See attached.

—OR—

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:

See attached.

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:

See attached.

Variance Requests

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (H) to illuminate 12 signs at the Moxy Hotel on the Northern, Southern, Eastern, and Western sides in a “CS-CO-NP,” General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (F) to provide 3 illuminated electric signs above the second floor at the Moxy Hotel on the Northern, Southern, and Eastern sides in a “CS-CO-NP,” General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

I am requesting a variance from the Land Development Code, Section 25-10-133 (University Neighborhood Overlay Zoning District Signs) (G) to provide 2 projecting signs at the Moxy Hotel on the Eastern side in a “CS-CO-NP,” General Commercial Services – Conditional Overlay – Neighborhood Plan zoning district within the University Neighborhood Overlay.

Findings Statements

1. *The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of the site such as dimensions, landscaping, or topography, because:*

Strict enforcement would impose a standard that is harsher than that enjoyed by other similarly situated properties along Guadalupe Street in the University Neighborhood Overlay (UNO) Sign District.

Properties in this area have a longstanding practice of illuminating their signage. However, a recent provision prohibiting signage illumination (Section 25-10-133(H)) was unintentionally instituted, as described by city staff at the November 2020 Board of Adjustment meeting. At the same time, a provision that Council appeared to take action to modify (Section 25-10-133(F)) was left unmodified, as described in the cover letter.

This variance would allow the applicant to illuminate on-site signage (Section 25-10-133(H)), consistent with other similarly situated properties; it also requests variance from another provision (Section 25-10-133(F)) to ensure this would apply to the upper-level signs, as well.

The UNO area is also characterized by attached structures in which different businesses, services, and amenities each utilize a projecting sign. This site provides a similar layout, with two services within a larger structure – the hotel and a walk-up food window. The variance from Section 25-10-133(G)(1) would allow that layout, consistent with the practice in the larger area.

– OR –

2. *The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:*

Neighboring properties along Guadalupe Street in the University Neighborhood Overlay Zoning District already illuminate their signage and already feature businesses, services, and amenities in attached structures that each utilize projecting signs. The requested variance would allow the applicant to also illuminate their signage and provide two projecting signs on its Guadalupe Street façade, one for the hotel entrance and one for the walk-up food window. This is consistent with the existing practice among nearby Guadalupe Street properties.

– OR –

3. *The granting of this variance will not substantially conflict with the state purposes of this sign ordinance, because:*

The requested variance will allow the applicant to illuminate their signage, as has been allowed along Guadalupe Street. Similarly, the variance would allow two projecting signs in a manner consistent with the way in which multiple projecting signs are provided in attached structures along Guadalupe Street – one allowed for each business, service, or amenity.

City staff has stated that the provision prohibiting illumination was instituted unintentionally. As a result, this site is currently subject to a standard not otherwise imposed on similarly situated properties. The requested variance would address this issue and allow illumination.

AND,

4. *Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:*

The applicant's request for illuminated signage and projecting signs is consistent with established practice in the area. Other properties along Guadalupe Street in the UNO Sign District already have illuminated signage, as the applicant is requesting. Additionally, there is an established practice of allowing services, businesses, and amenities within attached structures along Guadalupe Street to each provide a projecting sign; the applicant is similarly requesting the ability to provide one projecting sign for the hotel entrance and one for the walk-up food window. Granting this variance would establish consistency with practices in the broader area, not a special privilege. The applicant also requests a variance to ensure this would apply to the upper-level signs, as well, consistent with action that Council appeared to take to modify the relevant code provisions.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 12/10/2020

Applicant Name (typed or printed): Richard T. Suttle, Jr.

Applicant Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 12-2-2020

Owner Name (typed or printed): Timothy Finley, Vice President, 2552 Jack, LLC

Owner Mailing Address: P.O. Box 2086

City: Austin State: TX Zip: 78768

Phone (will be public information): (512) 478-0885

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: Richard T. Suttle, Jr.

Agent Mailing Address: 100 Congress Ave., Suite 1300

City: Austin State: TX Zip: 78701

Phone (will be public information): (512) 435-2300


Email (optional – will be public information): [REDACTED]

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

RICHARD T. SUTTLE, JR.
(512) 435-2300


December 10, 2020

Via email

Board of Adjustment
301 W. 2nd St.
Austin, TX 78701

Subject: Variance Request for 2552 Guadalupe St. (“the Property”)

Dear Members:

Please accept this letter on behalf of 2552 Jack, LLC (“the Owner”). The Owner is requesting a variance from Sections 25-10-133(H), 25-10-133(F), and 25-10-133(G)(1) in order to illuminate a number of signs at the Moxy Hotel and provide two projecting signs in a manner consistent with existing practice in the area.

The Property is located at the intersection of Guadalupe Street and West 26th Street, in the University Neighborhood Overlay (“UNO”) Sign District (See Exhibit A). The section of Guadalupe Street within the UNO Sign District is characterized by numerous other businesses with illuminated signage, both north and south of the Property. This area is also characterized by attached businesses, services, and amenities that each utilize separate projecting signs.

The Owner is requesting a variance from the following sections of the Land Development Code:

- Section 25-10-133(H), which specifies that “A sign may not be illuminated or contain electronic images or moving parts;”
- Section 25-10-133(F), which specifies that “No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building;” and
- 25-10-133(G)(1), which specifies that “One projecting sign for each building façade is permitted.”

This request would allow the Owner to provide illuminated signage for their business and two separate projecting signs that identify different services within the building (See Exhibit B), practices that are already established and common along this segment of Guadalupe Street.

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Section 25-10-133(H): Illumination

Signage illumination is an established practice along this segment of Guadalupe Street. Furthermore, the provision in question was instituted unintentionally, and City staff plans to revise it to resolve this issue. As City staff acknowledged at the November 2020 Board of Adjustment meeting:

“It was not the intent of Council to completely prohibit illuminated signs. We processed a fairly exhaustive amendment to the UNO regulations in November of 2019 and there was a provision that was inadvertently added to prohibit illuminated signs... It was definitely not Council’s intent to make that prohibition and we are working on a solution.”

Strict enforcement of this provision at the Moxy Hotel would impose on the Property a standard that is harsher than that enjoyed by other similarly situated properties along Guadalupe Street in the University Neighborhood Overlay Zoning District. Granting the requested variance would instead establish consistency with this segment of Guadalupe Street by allowing the Owner to illuminate their signage, as other nearby businesses do today.

Section 25-10-133(F): Signage Above the Second Floor

There may also have been confusion over changes to Section 25-10-133(F), as well. According to the minutes from the November 14, 2019 Council meeting, the City Council approved the ordinance amending the UNO regulations “with the staff recommendations.” One of the staff recommendations, outlined in the staff report and staff presentation was to concur with a Planning Commission recommendation to replace the provisions of Section 25-10-133(F) with a new subsection that specifies that “An on-premise sign is allowed.” This, staff indicated, “would bring the regulations more in line with industry practices.”

While Council approved the ordinance with staff recommendations (as well as with the unintentional illumination prohibition), this staff recommendation on upper-floor signage appears to have been omitted from the signed ordinance. As a result, there remains a prohibition on electric signs above the second floor of a building. In order to allow illumination of the Moxy’s upper-story signs, the Owner requests a variance from Section 25-10-133(F).

Section 25-10-133(G)(1)

Finally, the Owner requests a variance from Section 25-10-133(G)(1), for two projecting signs on the building’s Guadalupe Street façade, which would allow a project that is consistent with established practice in the area (See Exhibit C).

Section 25-10-133(G)(1) broadly specifies one projecting sign per building façade. However, there is an established practice by which different services and amenities within attached structures along Guadalupe Street each utilize various types of projecting signs. The Property similarly offers two types of services within a single structure: the hotel entrance and a food

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service window. The Owner is requesting a variance from Section 25-10-133(G)(1) in order to provide a projecting sign for each of these services, similar to existing practice with other businesses along Guadalupe Street today.

I appreciate your consideration of this application and look forward to presenting our requested variance to the Board of Adjustment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard T. Suttle, Jr.", with a long, sweeping flourish extending to the right.

Richard T. Suttle, Jr.

EXHIBIT A
Guadalupe Street Façade – Full Façade View 1



Guadalupe Façade – Full Façade View 2



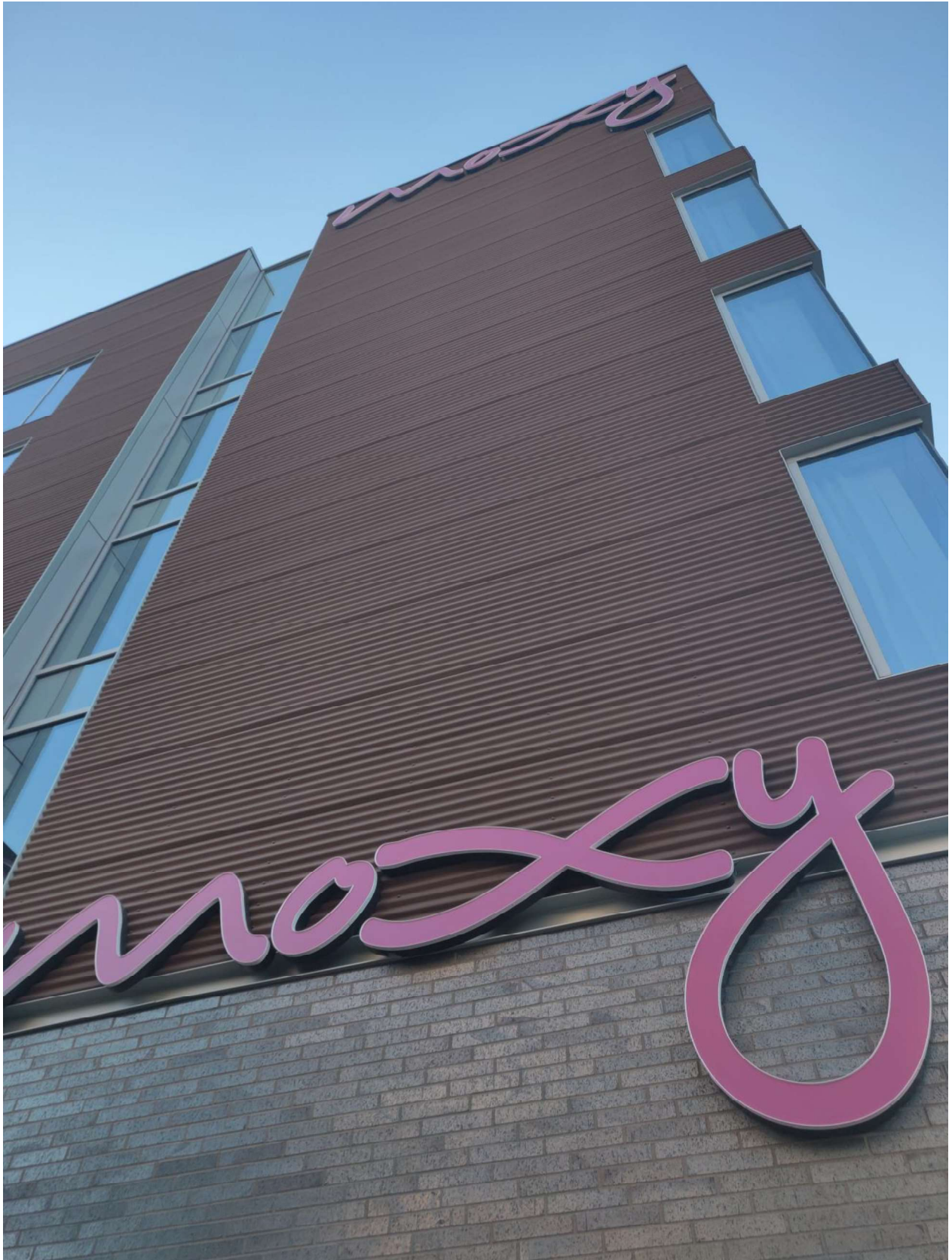
Guadalupe Street Façade – Ordering Window Signs



Guadalupe Façade – North-Facing Sidewalk



Guadalupe Façade – Moxy Signs



West 26th Street Façade



San Antonio Street Façade



San Antonio Street Façade – Parking Sign



Southern Façade



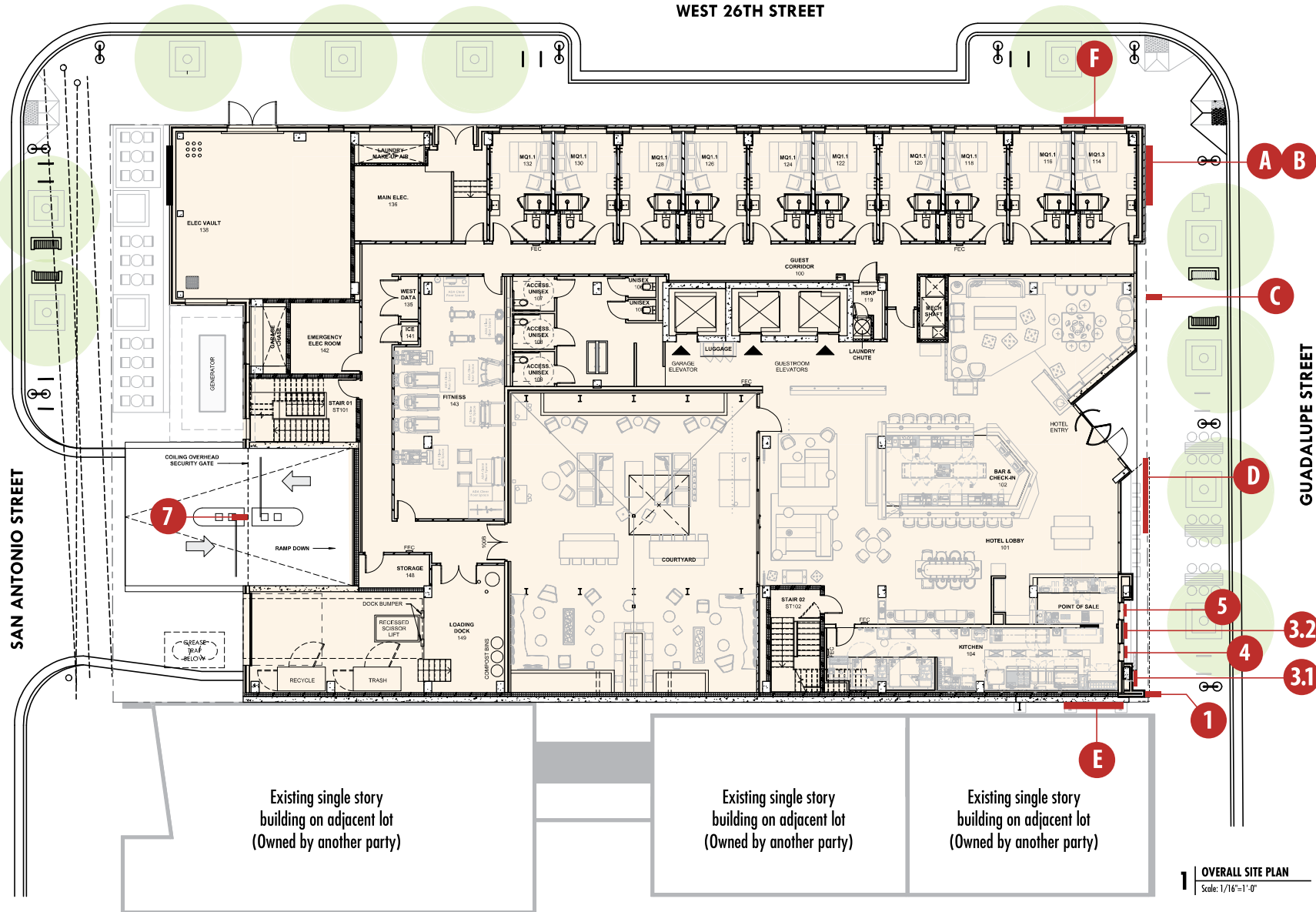


Babendure Design Group
8140 Walnut Hill Ln. #950
Dallas, Texas 75231
214.265.1960
214.265.5552 (fax)
www.babendure.com

Austin Moxy Hotel **2552 Guadalupe Street** **Austin, Texas**

Exterior Building Signage
City Presentation

November 18, 2020



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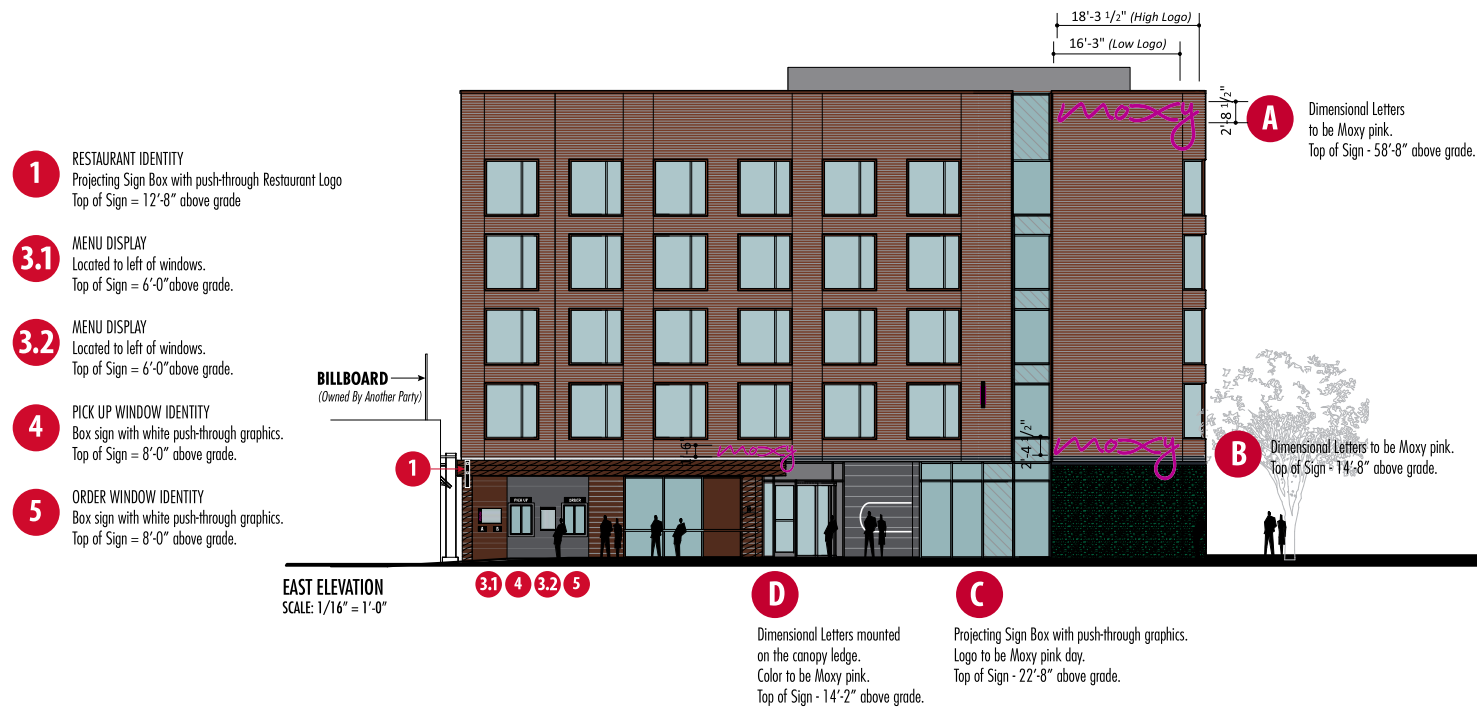
Sign Location Plan

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



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East Elevation High and Low Level Signs

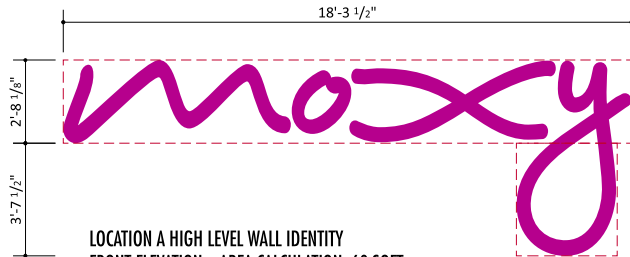
Austin Moxy Hotel
 Austin, Texas
 Exterior Building Signage

November 18, 2020

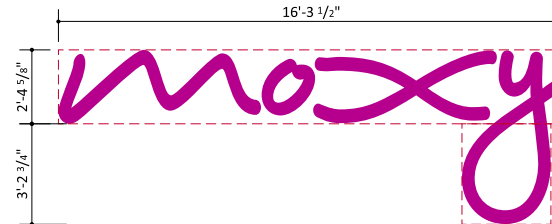


B D G

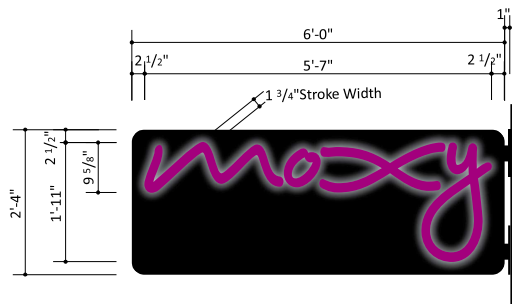
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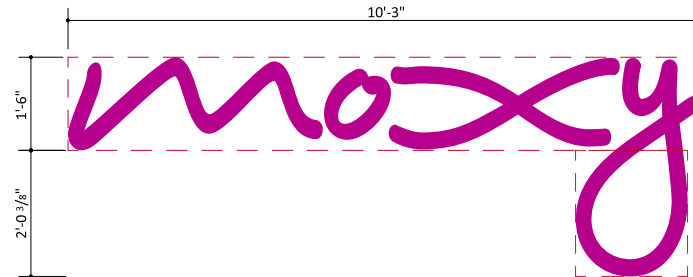
A LOCATION A HIGH LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 60 SQFT
Top of Sign = 58'-8" above grade.
SCALE: 1/4" = 1'-0"



B LOCATION B LOW LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 48 SQFT
Top of Sign = 14'-8" above grade.
SCALE: 1/4" = 1'-0"



C LOCATION C FLAG BRAND IDENTITY
FRONT ELEVATION • AREA CALCULATION: 14 SQFT
Top of Sign = 22'-8" above grade.
SCALE: 1/2" = 1'-0"



D LOCATION D CANOPY-TOP IDENTITY
FRONT ELEVATION • AREA CALCULATION: 19 SQFT
Top of Sign = 14'-2" above grade.
SCALE: 1/2" = 1'-0"

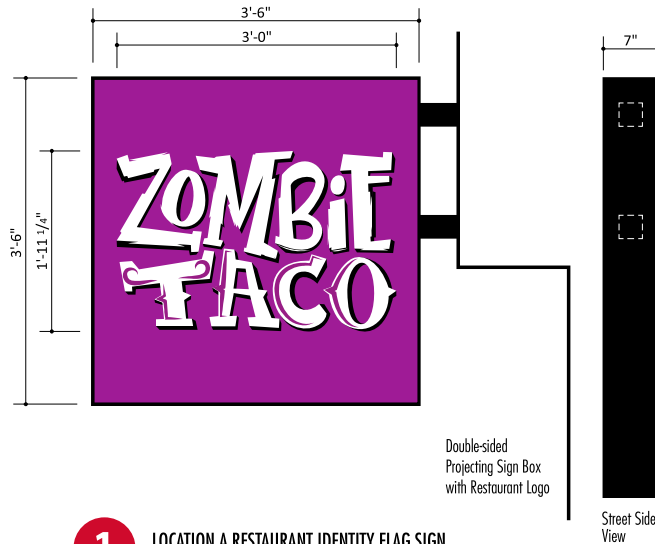
East Elevation
Locations A, B, C, D
Graphic Layouts

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

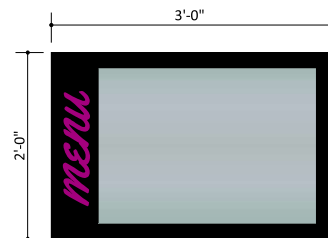
November 18, 2020



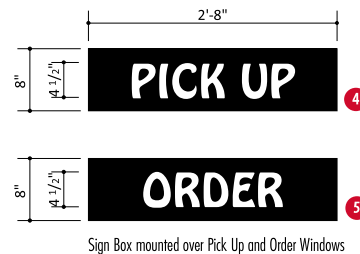
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- 1** LOCATION A RESTAURANT IDENTITY FLAG SIGN
FRONT ELEVATION • AREA CALCULATION: 12.25 SQFT
Top of Sign = 12'-8" above grade.
SCALE: 3/4" = 1'-0"



- 3** LOCATION 3.1 & 3.2 MENU BOARDS
FRONT ELEVATION • AREA CALCULATION: 6 SQFT
Top of Signs = 6'-0" above grade.
SCALE: 3/4" = 1'-0"
The area of this sign type does not count towards the overall elevation sign area total.



- 4** LOCATIONS 4-5 RESTAURANT WINDOW IDENTITY SIGN
FRONT ELEVATION • AREA CALCULATION: 2 SQFT
Top of Sign = 8'-0" above grade.
SCALE: 1/2" = 1'-0"
- 5**

East Elevation
Locations 1, 3, 4 and 5
Graphic Layouts

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

November 18, 2020



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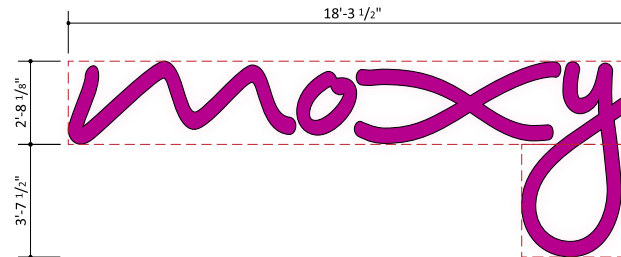
Northbound on Guadalupe #1



Northbound on Guadalupe #2



Northbound on Guadalupe #3



LOCATION A HIGH LEVEL WALL IDENTITY
FRONT ELEVATION • AREA CALCULATION: 60 SQFT
 Top of Sign = 58'-8" above grade.
 SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/16" = 1'-0"

Dimensional Letters to be Moxy pink.
 Top of Sign = 58'-8" above grade.



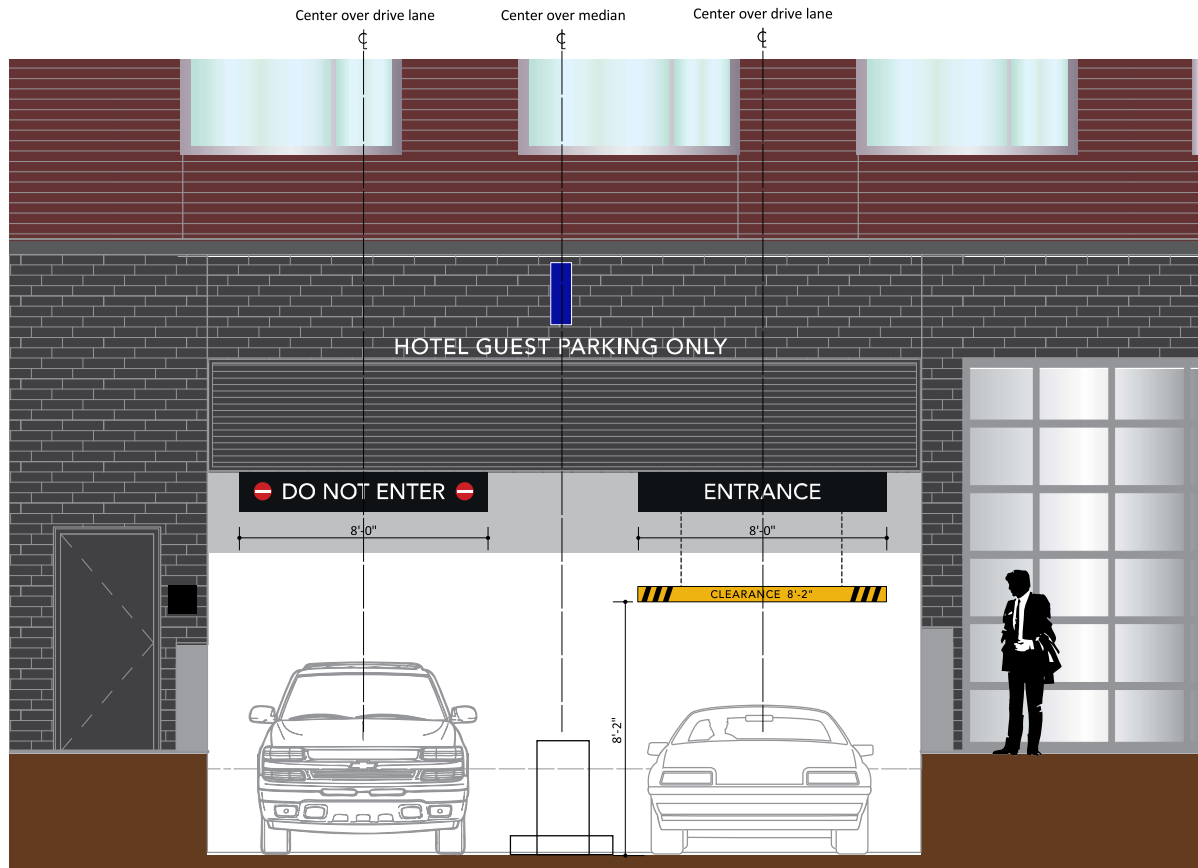
South Elevation
Location E

Austin Moxy Hotel
 Austin, Texas
 Exterior Building Signage

November 18, 2020

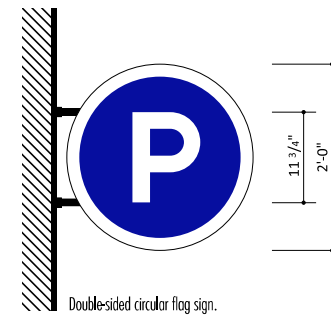


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WEST ELEVATION AT GARAGE ENTRANCE
SCALE: 1/4" = 1'-0"

7 PARKING FLAG IDENTITY:
Mounted to wall above the louvers. Top of Sign = 16'-0" above grade.



7

LOCATION 7 FLAG PARKING ENTRANCE IDENTITY
FRONT ELEVATION
AREA CALCULATION: 6 SQFT PER SIDE.
Top of Sign = 16'-0" above grade.
SCALE: 3/4" = 1'-0"

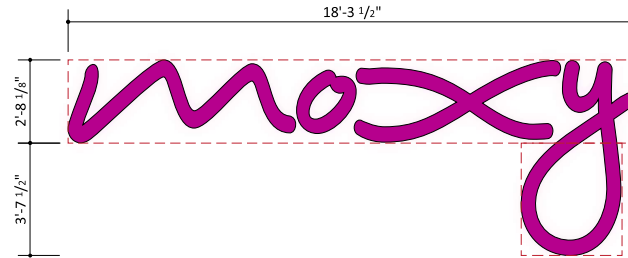
**Parking Entrance
Projecting Sign**

Austin Moxy Hotel
Austin, Texas
Exterior Building Signage

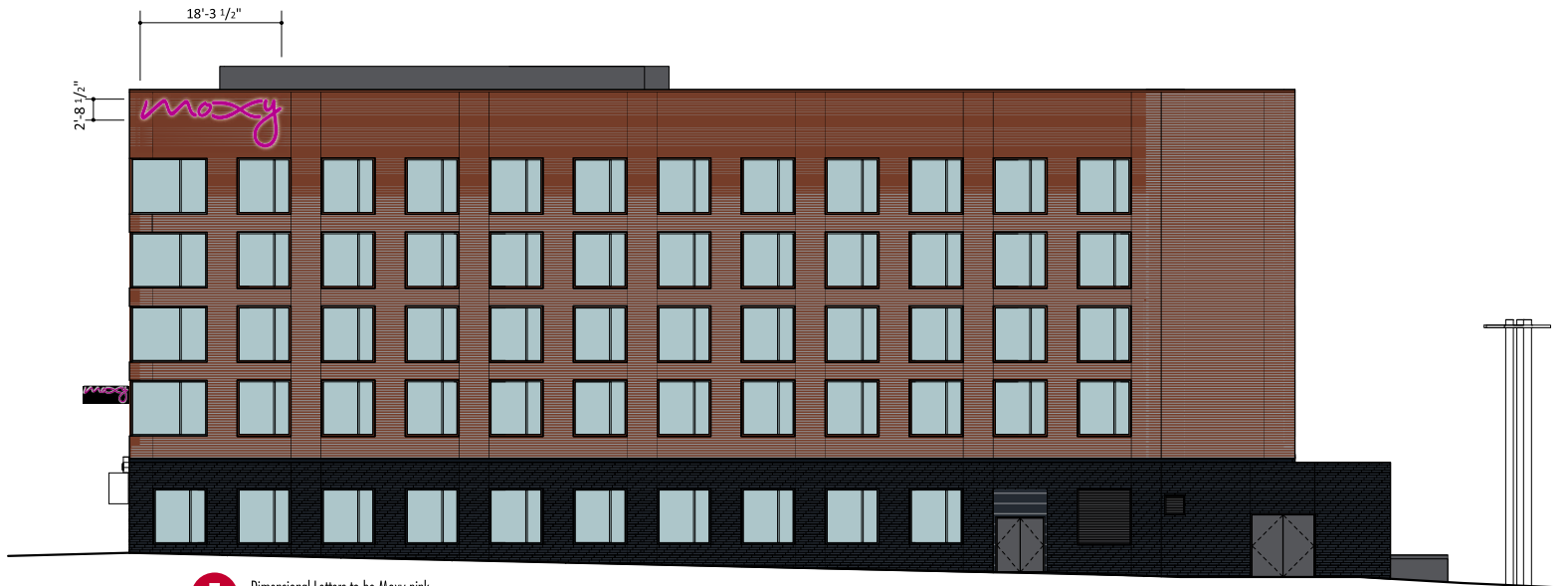
November 18, 2020



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F LOCATION F HIGH LEVEL WALL IDENTITY
 FRONT ELEVATION • AREA CALCULATION: 60 SQFT
 Top of Sign = 58'-8" above grade.
 SCALE: 1/4" = 1'-0"



F Dimensional Letters to be Moxy pink.
 Top of Sign = 58'-8" above grade.

NORTH ELEVATION
 SCALE: 1/16" = 1'-0"

**North Elevation
 Low Level Signs**

Austin Moxy Hotel
 Austin, Texas
 Exterior Building Signage

November 18, 2020

EXHIBIT C
Projected Signage along Guadalupe Street



Projected Signage along Guadalupe Street



Projected Signage along Guadalupe Street

